

AMENDMENTS TO THE CLAIMS

1.-14. (Canceled)

15. (Currently amended) An apparatus for processing foodstuff portions along a first axis, comprising:

a first conveyor run to carry foodstuff portions on a first side of the foodstuff portions, the first conveyor run having an infeed portion;

a second conveyor run[[,]] spaced [[from]] above the first conveyor run[[,]] and extending along the first conveyor run in an overlapping relationship with the first conveyor run at a location downstream from the infeed portion of the first conveyor run, the second conveyor run capable of carrying the foodstuff portions;

from a departure location on the first conveyor run on a second side of the foodstuff portions, said departure location corresponding to the location wherein the foodstuff portions are no longer carried by the first conveyor,[[;]] and

beyond the departure location on the first conveyor run wherein the foodstuff portions are no longer supported by the first conveyor run;

a vacuum source in registry with the second conveyor run and acting through the second conveyor run to cause the foodstuff portions to be carried by the second conveyor run to a location beyond the departure location on the first conveyor run; and

an adjustable cutting device positioned along the second conveyor run downstream from the departure location on the first conveyor run and at a selected distance [[from]] below the second conveyor run to trim the first side of the foodstuff portions as the foodstuff portions are being carried by the second conveyor run but not by the first conveyor run, the cutting device cutting along a plane that is substantially parallel to the second conveyor run to achieve a desired

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thickness, wherein a space exists below the cutting device to allow trimmed foodstuff portions to fall away from the cutting device.

16. (Currently amended) The apparatus of Claim 15, wherein the second conveyor run defines a [[first]] horizontal conveyor run portion located above the first conveyor run and a second diagonal conveyor run portion defining an acute angle with the first conveyor run and extending beyond the first conveyor run.

17. (Currently amended) [[The]] An apparatus of Claim 16, for processing foodstuff portions along a first axis, comprising:

a first conveyor run to carry foodstuff portions on a first side of the foodstuff portions, the first conveyor run having an infeed portion;

a second conveyor run, spaced from the first conveyor run, and extending along the first conveyor run in an overlapping relationship with the first conveyor run at a location downstream from the infeed portion of the first conveyor run, the second conveyor run capable of carrying the foodstuff portions from the first conveyor run on a second side of the foodstuff portions and beyond the first conveyor run wherein the foodstuff portions are no longer supported by the first conveyor run;

a vacuum source in registry with the second conveyor run and acting through the second conveyor run to cause the foodstuff portions to be carried by the second conveyor run to a location beyond the first conveyor run; and

an adjustable cutting device positioned along the second conveyor run at a selected distance from the second conveyor run to trim the first side of the foodstuff portions as the foodstuff portions are being carried by the second conveyor run but not by the first conveyor run to a desired thickness,

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wherein the second conveyor run defines a horizontal portion located above the first conveyor run and a diagonal portion defining an acute angle with the first conveyor run and extending beyond the first conveyor run; and

wherein the cutting device is position along the diagonal portion of the second conveyor run.

18. (Previously Presented) The apparatus of Claim 17, wherein the second conveyor run includes perforations.

19. (Currently amended) The apparatus of Claim 18, wherein the vacuum source acts along the [[first]] horizontal ~~conveyor run~~ portion of the second conveyor run, said vacuum source acting through the perforations in the second conveyor run to bias the foodstuff portions against the second conveyor run.

20. (Currently amended) The apparatus of Claim 19, ~~further comprising a~~ wherein the vacuum source is located at the second diagonal ~~conveyor run~~ portion of the second conveyor run to bias the foodstuff portions against the second conveyor run.

21. (Currently amended) The apparatus of Claim 20, further comprising a pressure source at the ~~second~~ diagonal ~~conveyor run~~ portion of the second conveyor run downstream from the vacuum source to repel the portions therefrom.

22. (Previously presented) The apparatus of Claim 15, further comprising a third conveyor run located a spaced distance from the first conveyor run to form a gap therebetween, said third conveyor run being located underneath the second conveyor run to carry the trimmed foodstuff portions from the second conveyor run.

23. (Withdrawn) The apparatus of Claim 15, wherein the cutting device is a band knife.

24. (Withdrawn) The apparatus of Claim 15, wherein the cutting device is an ultrasonic knife.

25. (Withdrawn) The apparatus of Claim 15, further comprising a second cutting device to portion the foodstuff portions along a second axis.

26. (Withdrawn) The apparatus of Claim 25, wherein the second cutting device is selected from the group consisting of band saws, band knives, oscillating saws, oscillating knives, water jets, high pressure fluid jets, and lasers.

27. (Withdrawn) The apparatus of Claim 26, further comprising a third cutting device to portion the foodstuff portions along a third axis.

28. (Withdrawn) The apparatus of Claim 27, wherein the third cutting device is selected from the group consisting of band saws, band knives, oscillating saws, oscillating knives, water jets, high pressure fluid jets, and lasers.

29. (Withdrawn) A system for portioning foodstuff portions along three axis, comprising:

means for conveying foodstuff portions to a first cutting means;

first cutting means for portioning the foodstuff portions along a first axis;

means for conveying the foodstuff portions to a second cutting means;

second cutting means for portioning the foodstuff portions along a second axis; and

third cutting means for portioning the foodstuff portions along a third axis, wherein the first, second, and third cutting means are substantially operating simultaneously to produce a continuous flow of foodstuff portions portioned along three axes.

30. (Withdrawn) A method for processing foodstuff portions, comprising steps for:

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transferring foodstuff portions from a first conveyor run to a second conveyor run, wherein the foodstuff portion is carried on a first side on the first conveyor run, and carried from a second side on the second conveyor run; and

portioning the foodstuff portions at the first side while the foodstuffs are carried by the second conveyor run.

31. (Withdrawn) The product produced by the method according to Claim 30.

32. (Currently amended) An apparatus for processing foodstuff portions along a first axis, the foodstuff portions having an under side and an upper side comprising:

a first conveyor having a first carrying belt to carry foodstuff portions on the under side of the foodstuff portions, said first conveyor having an end feed portion for receiving the foodstuff portions and a departure location wherein the foodstuff portions are no longer carried by the first carrying belt;

a second conveyor having a second carrying belt trained on a vacuum chamber housing, wherein the second carrying belt includes perforations, and wherein the second conveyor is located above the first conveyor and extends along the first conveyor downstream from the infeed [[end]] portion of the first conveyor, and wherein the second conveyor capable of carrying the foodstuff portions from the departure location on the first conveyor by engagement with the upper side of the foodstuff portions to a location beyond the departure location of the first conveyor to a location where the foodstuff portions are no longer carried by the first conveyor;

a vacuum source located at the vacuum chamber housing to cause the foodstuff portions to be biased through the second ~~conveyor~~ carrying belt perforations against the second belt, thusly taking up the foodstuff portions on the upper side of the foodstuff portions and carrying the foodstuff portions beyond the departure location of the first conveyor; and

a cutting device positioned downstream from the departure location of the first conveyor
and below the second conveyor, the cutting device cutting along a plane that is substantially
parallel to the plane defined by the adjacent portions of the second carrying belt defined by the
second conveyor to portion the first under side of the foodstuff portions, wherein a space exists
below the cutting device to allow trimmed foodstuff portions to fall away from the cutting
device.

33. (Currently amended) The apparatus of Claim 32, further comprising a pressure source acting on the second ~~conveyor~~ carrying belt at a location downstream from the vacuum source to help repel the foodstuff portions away from the second ~~conveyor~~ carrying belt.

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